

10,070764

JC10 Rec'd PCT/PTO 12 MAR 2002

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Chaddock *et al.*

Appl. No. *To be assigned*
(U.S. Natl. Phase of PCT/GB00/03519; Int'l
Filing Date: September 13, 2000)

Filed: *Herewith*

For: **Preparation of Highly Pure Toxin
Fragments**

Art Unit: *To be assigned*

Examiner: *To be assigned*

Atty. Docket: 1581.0900000/RWE/MTT

Information Disclosure Statement

Commissioner for Patents
Washington, D.C. 20231

Sir:

Listed on accompanying Form PTO-1449 are documents that may be considered material to the examination of this application, in compliance with the duty of disclosure requirements of 37 C.F.R. §§ 1.56, 1.97 and 1.98. A copy of each of these documents is provided.

Where the publication date of a listed document does not provide a month of publication, the year of publication of the listed document is sufficiently earlier than the effective U.S. filing date and any foreign priority date so that the month of publication is not in issue. Applicants have listed publication dates on the attached PTO-1449 based on information presently available to the undersigned. However, the listed publication dates should not be construed as an admission that the information was actually published on the date indicated.

In accordance with 37 C.F.R. § 1.98(a)(3), Applicants' undersigned representative submits the following, in regards to non-English language document AL1 cited on Form PTO 1449:

Document **AL1**, patent DE 40 37 809 A1 is in the German language. A concise explanation of the relevance of the non-English language document **AL1** cited on Form PTO 1449 can be obtained by reference to the search report for PCT/GB00/03519.

Applicants reserve the right to establish the patentability of the claimed invention over any of the information provided herewith, and/or to prove that this information may not be prior art, and/or to prove that this information may not be enabling for the teachings purportedly offered.

This statement should not be construed as a representation that a search has been made, or that information more material to the examination of the present patent application does not exist. The Examiner is specifically requested not to rely solely on the material submitted herewith. It is further understood that the Examiner will consider information that had been cited or submitted to the U.S. Patent and Trademark Office in a prior application relied on under 35 U.S.C. § 120. 1138 OG 37, 38 (May 19, 1992).

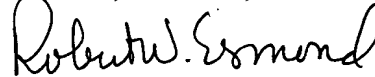
It is respectfully requested that the Examiner initial and return a copy of the enclosed PTO-1449, and to indicate in the official file wrapper of this patent application that the documents have been considered.

This Information Disclosure Statement is being filed within three months of the date of filing of a national application and before the mailing date of a first Office Action on the merits. No statement or fee is required.

The U.S. Patent and Trademark Office is hereby authorized to charge any fee deficiency, or credit any overpayment, to our Deposit Account No. 19-0036.

Respectfully submitted,

STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.



Robert W. Esmond
Attorney for Applicants
Registration No. 32,893

Date: March 12, 2002
1100 New York Avenue, N.W.
Suite 600
Washington, D.C. 20005-3934
(202) 371-2600

FORM PTO-1449 <u>INFORMATION DISCLOSURE STATEMENT</u>	ATTY. DOCKET NO. 1581.0900000/RWE/MTT	APPLICATION NO. To be assigned
	APPLICANT Chaddock <i>et al.</i>	
	FILING DATE Herewith	GROUP To be assigned

U.S. PATENT DOCUMENTS							
EXAMINER INITIAL		DOCUMENT NUMBER	DATE	NAME	CLASS	SUB-CLASS	FILING DATE
	AA1	5,601,826	02/11/1997	Halpern	424	190.1	04/20/1994
	AB						
	AC						
	AD						
	AE						
	AF						
	AG						
	AH						
	AI						
	AJ						
	AK						

FOREIGN PATENT DOCUMENTS							
EXAMINER INITIAL		DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUB-CLASS	TRANSLATION
	AL1	DE 40 37 809 A1	06/04/1992	Germany			Yes No
	AM	ZA 9803690A	02/04/1999	South Africa			Yes No
	AN						Yes No
	AO						Yes No
	AP						Yes No

OTHER (Including Author, Title, Date, Pertinent Pages, etc.)			
	AR	1	Gimenez, J.A. and DasGupta, B.R., "Botulinum Type A Neurotoxin Digested with Pepsin Yields 132, 97, 72, 45, 42, and 18 kD Fragments," <i>J. Pro. Chem.</i> 12:351-363, Plenum Publishing Corporation (1993).
	AS	1	Schiavo, G. <i>et al.</i> , "Botulinum Neurotoxins Are Zinc Proteins," <i>J. Biol. Chem.</i> 267:23479-23483, The American Society for Biochemistry and Molecular Biology, Inc. (1992).
	AR	2	Derwent Patent Abstract, File Number 351, Accession Number 9065531, English language abstract of DE 4037809A.

EXAMINER	DATE CONSIDERED
----------	-----------------

EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to Applicant.